

REPORT TO ABERDEENSHIRE COUNCIL - 26 JANUARY 2017

ABERDEENSHIRE SOUTH DIVISIONAL LICENSING BOARD

1 Recommendations

The Council is recommended to:

1.1 Determine whether to either:-

- (a) elect one Member to the South Divisional Licensing Board for the purposes of the Licensing (Scotland) Act 2005; or alternatively
- (b) resolve that the number of members on the South Divisional Licensing Board shall be temporarily reduced to seven for the remainder of the duration of this Council

2 Background / Discussion

- 2.1 At its meeting of 17th May 2012 (Aberdeenshire Licensing Boards Item 8), Council elected Members to the North, Central and South Divisional Licensing Boards in terms of the Licensing (Scotland) Act 2005 to administer the business of Liquor Licensing.
- 2.2 Due to the resignation of Councillor Katrina Farquhar a vacancy on the South Divisional Licensing Board has arisen. Under the Licensing (Scotland) Act 2005, where there is a vacancy in the membership of a Licensing Board, the relevant Council must, at their first meeting after the vacancy arises, hold an election to fill the vacancy. Each Licensing Board must consist of a minimum of five, and a maximum of ten Members, the exact number is to be determined by Council.
- 2.3 All Licensing Board members require to attend mandatory training before they are entitled to sit on the Board. Any appointment would terminate at the local election in May 2017. The training has to be to standards set by the Scottish Qualifications Authority and for one member the cost would be £400 plus the trainer's travel expenses. The training would have to be repeated by that Member in May 2017 (if reappointed) due to the legislation, despite having recently sat and passed the exam. In the circumstances the Council may consider that since there are only two scheduled meetings of the South Divisional Licensing Board between now and May it could be agreed that the membership of the South Divisional Licensing Board be temporarily reduced to seven rather than fill the vacancy. The quorum that would be required at any Board meeting if the number of members is reduced to seven would remain at four as it is now.
- 2.4 Should Council wish to appoint to fill the vacancy on the South Divisional Licensing Board at this time, any appointment must ensure that not less than one-third of the total Members of a Divisional Licensing Board must consist of Councillors for a Ward within the Division. In practice, all Board Members

have, in the past, invariably been drawn from Wards within the Division.
Current membership is:-

- North (sitting in Peterhead) 8 members
- Central (sitting in Inverurie) 8 members
- South (sitting in Stonehaven) 8 members

- 2.5 The Licensing (Scotland) Act 2005 Act set out the categories for disqualification from Licensing Board membership:-

Disqualification from Membership

(1) A councillor is disqualified from election as, and from being, a member of a Licensing Board if the councillor is:-

- (a) a premises licence holder, an employer of a premises licence holder and works as such in licensed premises,
- (b) whether alone or in partnership with another person, engaged in the business of producing or selling alcohol,
- (c) a director or other officer of a company so engaged, or
- (d) an employee of any person so engaged and works as such in that business.

These disqualifications are enforced by criminal sanctions.

- 2.6 The Council is therefore being asked either to make a nomination in order that the number of members can remain at eight or to agree that the number of members can be reduced to seven for the remainder of the duration of this Council.
- 2.7 The Head of Finance and the Monitoring Officer within Business Services have been consulted on the terms of this report and any comments incorporated in the report.

3 Equalities, Staffing and Financial Implications

- 3.1 An equality impact assessment is not required because the recommendations contained within this report will not have a detrimental impact on the protected characteristics of any particular individuals.
- 3.2 There are no staffing issues arising directly as a result of this report. A decision not to appoint a new member but instead to reduce numbers to seven members would mean that the cost of training would not be incurred. The cost of training which is £400 plus trainer's travel expenses is part of the cost of administering the system and is therefore met from licensing fee income.

Ritchie Johnson
Director of Business Services

Report prepared by Peter Robertson, Senior Solicitor (Governance)
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